



U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598-6020

January 21, 2022

3600.1

Case Number: 2017-TSFO-00159

Edward Hasbrouck
1222 Preservation Park Way, Suite #200
Oakland, CA 94612

Dear Mr. Hasbrouck:

This letter is a final response to your Freedom of Information Act (FOIA) request dated March 01, 2017, addressed to the Transportation Security Administration (TSA) FOIA Branch seeking access to, "public comments on a proposed new collection of information "Certification of Identity Form (TSA Form 415) as well as the entirety of the administrative record related to this notice, including but not limited to, any records used as the basis for any of the statements in the notice including estimates of the number of affected individuals, any records related to the legal basis for the notice or the proposed procedures,; any records related to the original notice of the TSA's "ID verification" program published on the TSA's website and in the TSA's blog in 2008; all comments including unpublished comments submitted to the TSA in response to this notice and blog post, and any records pertaining to TSA consideration of, or response to, any of those comments." You received an interim response to this request on June 21, 2018.

The processing of your request identified certain records that will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Please refer to the Applicable Exemptions list at the end of this letter that identifies the authority for withholding the exempt record, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. Also, 13 pages of records which fall under the purview of DHS have been referred to the DHS Office of Privacy for review and a direct response to you, and they can be reached at foia@hq.dhs.gov.

The rules and regulations of the Transportation Security Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 6, Part 5. They are published in the Federal Register and are available for inspection by the public.

Fees

There are no fees associated with processing this request because the fees incurred do not exceed the minimum threshold necessary for charge.

Administrative Appeal

Should you decide to file an appeal, it should be mailed to:

Christine Griggs
FOIA Appeals Officer
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE)
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 20598-6033

Your appeal **must be submitted within 90 days** from the date of this determination. It should contain your FOIA request number and, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope should be prominently marked "FOIA Appeal." Please note that the TSA FOIA Appeals Officer's determination of the appeal will be administratively final.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5796.

If you have any questions pertaining to your request, please feel free to contact the FOIA Branch at 1-866-364-2872 or 1-571-227-2300.

Sincerely,



Teri M. Miller
FOIA Officer

Summary:

Number of Pages Released in Part or in Full: **430**

Number of Pages Withheld in Full: **99**

Number of Pages Referred: **13**

**APPLICABLE EXEMPTIONS
FREEDOM OF INFORMATION ACT AND/OR PRIVACY ACT**

Freedom of Information Act (5 U.S.C. 552)

☐ (b)(1) ☒ (b)(2) ☐ (b)(3) ☐ (b)(4) ☒ (b)(5) ☒ (b)(6)

☐ (b)(7)(A) ☐ (b)(7)(B) ☐ (b)(7)(C) ☐ (b)(7)(D) ☐ (b)(7)(E) ☐ (b)(7)(F)

Enclosure

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

Transportation Security Administration (TSA) FOIA Branch applies FOIA exemptions to protect:
Exemptions

Exemption (b)(1): Records that contain information that is classified for national security purposes.

Exemption (b)(2): Records that are related solely to the internal personnel rules and practices of an agency.

Exemption (b)(3): Records specifically exempted from disclosure by Title 49 U.S.C. Section 114(r), which exempts from disclosure Sensitive Security Information (SSI) that “would be detrimental to the security of transportation” if disclosed.

Exemption (b)(4): Records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption (b)(5): Inter- or intra-agency records that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege:

- Deliberative process privilege – Under the deliberative process privilege, disclosure of these records would injure the quality of future agency decisions by discouraging the open and frank policy discussions between subordinates and superiors.
- Attorney work-product privilege – Records prepared by or at the direction of a TSA attorney.
- Attorney-client privilege – Records of communications between an attorney and his/her client relating to a matter for which the client has sought legal advice, as well as facts divulged by client to attorney and any opinions given by attorney based on these.

Exemption (b)(6): Records that contain identifying information that applies to a particular individual when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This requires the balancing of the public’s right to disclosure against the individual’s right to privacy. In certain cases, TSA protects the names and personally identifying information for particular categories of TSA employees due to actual harassment and/or harm experienced by those employees by virtue of their positions within TSA.

Exemption (b)(7)(A): Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with law enforcement proceedings.

Exemption (b)(7)(C): Records containing law enforcement information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy” based upon the traditional recognition of strong privacy interests ordinarily appropriated in law enforcement records.

Exemption (b)(7)(E): Records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Exemption (b)(7)(F): Records containing law enforcement information about a person, in that disclosure of information about him or her could reasonably be expected to endanger his or her life or physical safety.